

**REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 3 - 9 are pending in the present application. Claims 3 and 4 are amended and claims 1 and 2 are cancelled. Claims 5 - 9 are new. Claim 9 is an independent claim.

**Claim Rejections - § 102**

Claims 1 – 4 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,567,524 to Savean (“Savean”). Insofar as it pertains to the presently pending claims, this rejection is respectfully traversed. Claim 1 is cancelled; however claim 9 is added as a replacement for independent claim 1. Traversal of the rejection of claim 1 will therefore be made with respect to claim 9 instead.

Savean teaches a hearing protection device that consists of an ear-plug with external microphones for detecting particular sounds and an internal microphone that detects the user’s own voice (Col. 2, lines 38 – 51). Savean teaches the suppression of unwanted sounds in a user’s environment by fully sealing the wearer’s ear canal from outside sounds with a sealing system (Col. 2, lines 40 – 42; Col. 5, lines 12 – 15).

**Claim 9**

Independent claim 9 pertains to a hearing aid having “an open fitting to reduce occlusion.” Applicants respectfully submit that this is exactly the opposite of Savean’s teaching, which calls for passive attenuation of external sounds “by means of an earplug with a sealing system inserted in the outer part of the ear canal.” (Col. 5, lines 13 – 14). Accordingly,

Applicants respectfully submit that not only does Savean fail to teach each and every aspect of the claimed invention as required under section 102, but in fact teaches the exact opposite with respect to occlusion of the ear canal.

#### Claims 3 – 8

Applicants respectfully submit that claims 3 – 8 are allowable at least by virtue of their dependency from independent claim 9.

#### Summary

At least in view of the above, Applicants respectfully submit that Savean is deficient in its teaching with respect to independent claim 9 and all claims depending therefrom. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

#### **Conclusion**

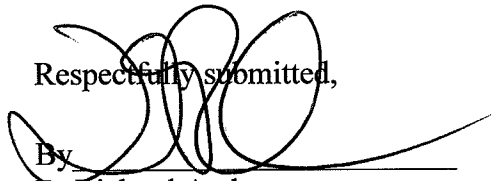
Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

In view of the above Amendment, Applicants believe the pending application is in condition for allowance. Thus, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

However, should the Examiner believe that any outstanding matters remain in the present application, the Examiner is requested to contact Applicants' representative, Naphtali Matlis (Reg. No. 61,592) at the telephone number of the undersigned in order to discuss the application and expedite prosecution.

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Respectfully submitted,



By

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